

834322

DEED RESTRICTION

DOCUMENT # 834322

Declaration of Restrictions

In Re: See Legal Description attached as Exhibit A

STATE OF WISCONSIN)
) ss
COUNTY OF DOUGLAS)

WHEREAS, the City of Superior, Wisconsin, a Wisconsin municipal corporation (the "City"), is the owner of the above-described property.

WHEREAS, the City has received a Brownfields Green Space and Public Facility Grant from the Department of Natural Resources ("DNR") pursuant to s. 292.79, Wis. Stats., and ch. NR 173, Wis. Adm. Code.

WHEREAS, the City submitted an application for this grant to DNR on July 21, 2006. That application described the intended use of the property for a purpose that DNR determined was eligible for funding under s. 292.79(2), Wis. Stats., and s. NR 173.05, Wis. Adm. Code.

WHEREAS, the City and DNR entered into a grant agreement for grant number GRN-022 on December 4, 2006 which described the requirements and responsibilities of the grantee and DNR with respect to this eligible project.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will limit the use of the property to those purposes and land uses identified in the application for at least twenty (20) years from the date the grant agreement was signed by DNR, in order to satisfy the requirement in s. NR 173.17(1)(b), Wis. Adm. Code.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Land Use Restriction. The property described above may only be used for the following purposes: ice rink and associated facilities including locker rooms, concessions, athletic training facilities and parking lots.

Certified, Filed and or Recorded on
May 10, 2010 AT 09:55AM
GAYLE L. WARNER
DOUGLAS COUNTY RECORDER
SUPERIOR, WI 54880-2769
Fee Amount: \$15.00

Name and Return Address

Robert Tofley
Fryberger, Buchanan, Smith & Frederick, P.A.
302 West Superior Street, Suite 700
Duluth, MN 55802
(218) 722-0861

06-806-00731-08

Parcel ID #

Planning & Dev. 15 City

834322

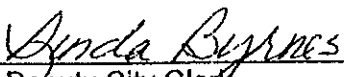
Amendment. The Restrictions imposed upon the Property are attached to and shall run with the land for at least twenty (20) years from December 4, 2006, provided however, that they may be extinguished or amended upon the recording of an instrument signed by both DNR, or its successor or assign, and the Property Owner, or his/her successor or assign.

By signing this document, Dave Ross and Linda Byrnes assert that they are duly authorized to sign this document on behalf of the City of Superior, Wisconsin.

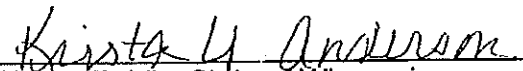
IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 10th day of May, 2010.

City of Superior, Wisconsin

By: 
Its Mayor
Printed Name: Dave Ross

By: 
Its Deputy City Clerk
Printed Name: Linda Byrnes

Subscribed and sworn to before me
this 10th day of May, 2010.


Notary Public, State of Wisconsin
My commission 10/23/11

This document was drafted by:
Fryberger, Buchanan, Smith & Frederick, P.A.
302 West Superior Street, Suite 700
Duluth, MN 55802

834322

**EXHIBIT A
LEGAL DESCRIPTION**

Lot One of Certified Survey Map No. 1109, dated December 31, 2009, filed for record in the office of the Douglas County Register of Deeds on January 21, 2010, in Volume 8 of Certified Survey Maps, pages 112-113, as Document No. 831844, located in Part of Lot L, W. Superior 1st Division and in Part of the Northeast Quarter Southwest Quarter, Section 15, Township 49 North, Range 14 West, Douglas County, Wisconsin. (Document #832014)